

## II. REMARKS/ARGUMENTS

In response to the Office action dated **October 3, 2003**, applicant respectfully request reconsideration based on the above claim amendments and the following remarks

### *Claim Status*

Claims 29-49 are pending. Claim 37 stands objected to as being dependent on a rejected claim, but would be allowable if rewritten appropriately. Applicant's appreciate the examiner's indication of allowable subject matter.

Claims 26-36 and 38-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,021,942 to Monico, hereinafter "Monico."

Claims 40-43 have been canceled. Claims 29 and 44 have been amended. Claims 50-55 have been newly added. No new matter has been added. The amendments and newly added claims find support in the specification as originally filed at least at page 7, lines 7-19 and in the claims as originally filed.

### *Examiner Interview*

Applicant thanks the examiner for the telephonic interview of November 20, 2003 in which the examiner agreed that the proposed amendment to claim 29 would overcome the rejection based on Monico, subject to the examiner's final review of Monico (and possibly to further search).

### *Rejection under 35 U.S.C. § 103(a)*

#### *Independent Claims 29 and 44*

Independent claims 29 and 44, as amended, includes features that are neither disclosed nor suggested by the cited reference, namely as represented by claim 29:

29. (Currently Amended) A method for processing packages, the method comprising:  
receiving a package at an intermediate shipping site, the package having an associated addressee;  
*receiving a message from the addressee of the package prior to an **attempt** to deliver the package to the addressee;*

determining a delivery authorization status corresponding to the package based on the received message; and

*delivering the package if the authorization status is that delivery is acceptable and not attempting to deliver the package if the authorization status is that delivery is not acceptable.* (emphasis added)

Monico does *not* disclose or suggest receiving a message from the addressee of the package prior to *an attempt* to deliver the package to the addressee, as recited by the claims. Monico describes labels for packages to be used when package delivery is attempted. In fact, the title of Monico is 'Bar-Coded Labels for "Attempt to Deliver" Parcels.' As such, Monico always attempts to deliver the package at least once, regardless of any information received from the addressee, the sender, or anyone else. The label is then used after the first delivery attempt (Abstract lines 7-8) to determine if further delivery attempts will be made. Therefore, Monico does *not* disclose or suggest receiving a message from the addressee of the package prior to *an attempt* to deliver the package to the addressee, as recited by the claims.

Accordingly, applicant submits that the cited reference does not disclose or suggest the features of independent claims 29 and 44. Additionally, inasmuch as dependent claims 30-39 and 45-49 (which have also been rejected or objected to) are dependent on claim 29 or 44, these claims are patentable over the cited reference, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the objections to and/or the rejections of claims 29-39 and 44-49 under 35 U.S.C. § 103.

### ***New Claims***

Claims 50-55 have been newly added to further define the invention and are directed to receiving a first e-mail from the package addressee and a second e-mail from the package sender, where delivery authorization is determined from the sender, which has been noted in the Office Action as allowable subject matter (Office Action, page 4).

### ***Conclusion***

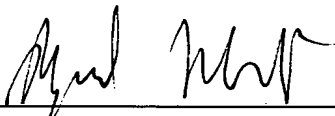
For the foregoing reasons, applicant respectfully submits that the present application is now in condition for allowance. Reconsideration of the Office Action and an early Notice

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**PATENT**

of Allowance are respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

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